

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE DUPAGE COUNTY BOARD OF ELECTION )  
COMMISSIONERS, a body politic; KAMI )  
HIERONYMUS, not individually, but as County Clerk of )  
Bureau County; SHARON HOLMES, not individually, )  
but as County Clerk of DeKalb County; RENNETA )  
MICKELSON, not individually, but as County Clerk of )  
Kendall County; NANCY NELSON, not individually, but )  
as County Clerk of Lee County; BARBARA M. LINK, )  
not individually, but as County Clerk of Henry County; )  
JOHN A. CUNNINGHAM, not individually, but as )  
County Clerk of Kane County; and the CITY OF )  
AURORA BOARD OF ELECTION COMMISSIONERS, )  
a body politic, )

Plaintiffs, )

vs. )

Case No. 08 CV 232

ILLINOIS STATE BOARD OF ELECTIONS, a body )  
politic; and JOHN LAESCH, JOTHAM STEIN, BILL )  
FOSTER, each individually, as certified Democratic )  
candidates for the February 5, 2008, Special Primary )  
Election for the 14th Congressional District; CHRIS )  
LAUZEN and JIM OBERWEIS, each individually, as )  
certified Republican candidates for the February 5, 2008, )  
Special Primary Election for the 14th Congressional )  
District, )

Judge Ruben Castillo

Magistrate Judge Susan E. Cox

Defendants. )

**ORDER**

THIS MATTER coming before the Court for hearing on the Plaintiffs' Motion for  
Emergency Hearing on its Request for Declaratory Judgment,

THE COURT MAKES THE FOLLOWING FINDINGS:

1. All individuals and entities necessary to this cause are aware of the reasons for the relief sought by Plaintiffs herein.
2. The Court has jurisdiction over the Plaintiffs and the individual Defendants in the subject matter. The Illinois State Board of Elections is a necessary nominal Defendant in this case in order to fulfill its duties under the Illinois Election Code.
3. Article I, Section 2 of the United States Constitution, U.S. Const. Art. I, § 2, requires that the executive authority of the state issue writs of election to fill a vacancy in the office of U.S. Representative in the state having the vacancy.
4. In conformance therewith, Section 2A-4 of the Illinois Election Code, 10 ILCS 5/2A-4, provides that a vacancy in the office of U.S. Representative shall be filled by a special election pursuant to writs of election issued by the Governor, and Section 25-7 of the Code, 10 ILCS 5/25-7, requires that the Governor issue writs of election within five (5) days after the occurrence of such vacancy to the election authorities in the district where the vacancy exists, appointing a day within 115 days to hold a special election to fill such vacancy.
5. In accordance with Article I, Section 2 of the U.S. Constitution, and Sections 2A-4 and 25-7 of the Illinois Election Code, the Governor of Illinois, on December 3, 2007, issued Writs of Election to each of the Plaintiffs commanding them to hold a special election to fill a vacancy in the office of U.S. Representative for the 14th Congressional District of the State of Illinois.
6. The Writs command the Plaintiffs to hold a special election to fill said U.S. Representative vacancy on Saturday, March 8, 2008.

7. The Writs also command the Plaintiffs to hold a primary election with respect to such special election on February 5, 2008, if such primary is necessary.

8. Pursuant to Section 7-12(b) of the Election Code, 10 ILCS 5/7-12(b), a special primary election for purposes of filling a vacancy in the office of U.S. Representative is required whenever a nomination of a political party for such office is contested.

9. On December 28, 2007, the Defendant State Board of Elections certified to the Plaintiffs, Defendants John Laesch, Jotham Stein, and Bill Foster as candidates for the Democratic nominee to fill the office of U.S. Representative from the 14th Congressional District in the March 8, 2008, Special Election, and Defendants Chris Lauzen and Jim Oberweis as candidates for the Republican nominee to fill such vacancy in the March 8, 2008, Special Election.

10. Accordingly, pursuant to Section 7-12(b) of the Election Code, the nominees of the Democratic and Republican parties of the March 8, 2008, Special Election are contested and a Special Primary Election to determine the nominee of each party is required.

11. For special elections, Illinois law authorizes the shortening of time periods required by the Illinois Election Code for regular elections.

12. The Election Code requires a special election to be held within 115 days of the issuance of a Governor's writ, and despite cooperation between the Governor and the Election Officials the statutory time lines will be impacted.

13. In the case of petitions for nomination to fill a vacancy by special election in the office of representative in Congress, petitions for nomination are required to be filed with the State Board of Elections not more than fifty-seven (57) days and not less than fifty (50) days prior to the date of the primary, pursuant to Section 7-12 of the Election Code.

14. Notice of the primary must be given at least fifteen (15) days prior to the maximum time provided for the filing of petitions for such primary pursuant to Section 7-12 of the Election Code. 10 ILCS 5/7-61.

15. If these statutory guidelines were followed, the special primary could not be held until February 12, 2008.

16. The Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff to 1973ff-6 of 1986 ("UOCAVA") requires, *inter alia*, that each state allow qualified United States citizens "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." Citizens protected by UOCAVA include: (1) members of the United States uniformed services and merchant marines; (2) their spouses and dependents; and (3) United States citizens residing outside the United States. 42 U.S.C. §1973ff-6.<sup>1</sup> In order to allow absent military and overseas citizens to exercise this right, absentee ballots must be mailed sufficiently in advance of a scheduled election so as to allow the receipt, execution, and return of the ballot to the appropriate election official by the state statutory deadline.

17. The Federal Voter Assistance Program guidelines for UOCAVA provide that the state must allow a minimum transmittal time of (30) thirty days for overseas ballots, and

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<sup>1</sup> Under UOCAVA, a voter may request (pursuant to the Federal Post Card Application established by the Act) that election officials send an absentee ballot "for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office." 42 U.S.C. §1973ff-3(a) (1986). Thus, for the 2008 special elections, election officials are required to provide absentee ballots to all voters for whom such applications were processed since the November 2, 2004 federal general election, and who are otherwise qualified to vote in the special election.

recommend a period of forty-five (45) days for the mailing of absentee ballots to voters and their return to election authorities.

18. If all Illinois statutory time periods were adhered to, Plaintiffs would be unable to comply with UOCAVA and with the forty-five (45) day recommended period for the mailing and return of absentee ballots under the Federal Voting Assistance Programs..

19. The thirty-two (32) day period between February 5, 2008, Special Primary Election and the March 8, 2008, Special Election does not allow Plaintiffs to meet the recommended forty-five (45) day period for absentee voting under UOCAVA using a conventional ballot which lists as choices the two Defendant Candidates who will be nominated in the February 5, 2008, Special Primary Election to stand for election on March 8, 2008.

20. To comply with UOCAVA and with the forty-five (45) day period recommended by the Federal Voting Assistance Program for the mailing and return of absentee ballots for the March 8, 2008, Special Election, Plaintiffs propose to use the Special Write-in Absentee Voter's Blank Ballot, authorized for use by Section 16-5.01 (b) of the Illinois Election Code, 10 ILCS 16-5.01(b), where a printed ballot is not available for mailing sixty (60)-days before a general election to U.S. military personnel and U.S. citizens resident outside the country who have filed applications for absentee ballots.

21. Additionally, while the Illinois Election Code in Section 16-5.01(b), 10 ILCS 16-5.01(b), authorizes the Special Write-in Absentee Voter's Blank Ballot for any general election at which federal officers are elected in the event that a printed ballot is not available for mailing, the Illinois Election Code makes no provision for the use of such a Special Write-in Absentee Blank Voter's Ballot in the case of a primary election at which federal officers are elected where a printed ballot is not available.

22. To address the above-stated conflicts, shortened time periods set forth in Exhibit A attached hereto and incorporated hereby reference for certain Illinois Election Code procedures as required to comply with the issuance of Writs calling for the elections in this cause, and as set forth in the Special 14th Congressional District Primary Election Calendar and the Special 14th Congressional District General Election Calendar are hereby declared constitutional.

23. The clearance of the February 5, 2008, Special Primary Election data from the memory cards and its conversion to hard copy is hereby declared as constitutional and in compliance with state and federal election law.

24. To comply with UOCAVA's requirements for the mailing and return of absentee ballots for the February 5, 2008, Special Primary Election, Plaintiffs seek authorization to use the Special Write-in Absentee Voter's Blank Ballot, authorized for use by Section 16-5.01 (b) of the Illinois Election Code, 10 ILCS 16-5.01(b), for that election in the event that printed ballots are not available for mailing forty-five (45) days before that election to U.S. military personnel and U.S. citizens resident outside the country who have filed applications for absentee ballots.

25. The Special Write-in Absentee Voter's Blank Ballot procedure in Section 16-5.01 (b), 10 ILCS 16-5.01(b), of the Illinois Election Code as implemented by the terms of this agreement, is consistent with the requirements of UOCAVA.

26. Plaintiffs' use of the Special Write-in Absentee Voter's Blank Ballot procedure in Section 16-5.01 (b) of the Illinois Election Code, 10 ILCS 16-5.01(b), for the February 5, 2008, Special Primary Election and the March, 8, 2008, as implemented by the terms of this agreement, is consistent with the requirements of UOCAVA and is proper and necessary.

**IT IS HEREBY ORDERED:**

1. The time periods required by state and federal law for each of the election procedures stated below shall be abbreviated as provided for herein, so that said procedures may be accommodated within the time frame established by the Writs of Election and conflicts between the statutory time periods eliminated:

<p><b>Special 14<sup>th</sup> Congressional District Primary Election Calendar</b></p>
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**Friday, December 28, 2007**

Last day for candidates to file withdrawal of nomination papers with the State Board of Elections. (10 ILCS 5/10-7)

\*Withdrawals may be filed in either the Springfield or Chicago offices of the State Board of Elections.

**Friday, December 28, 2007**

Date State Board of Elections will certify the names of candidates to the county clerks.

**Friday, December 28, 2007**

Last day (by close of business) a person may file a notarized Declaration of Intent to be a Write-in Candidate with the appropriate county clerk(s) and or board(s) of election commissioners.\*

\*P.A. 95-699 (effective November 9, 2007) requires that a Declaration of Intent to be a Write-in Candidate now be filed by the close of business with the appropriate election authority no later than 61 days (certification date) prior to the election. As such, December 28<sup>th</sup> was selected as the last day to file to be a write-in candidate for the Special Primary Election as that is the date of certification by the State Board of Elections.

**Monday, December 31, 2007**

Last day for the county clerk to provide the board of election commissioners a copy of the certification issued to the clerk by the State Board of Elections. (10 ILCS 5/7-14).\*

\*10 ILCS 5/7-14 states each county clerk shall certify not less than 55 days to the board of election commissioners before the General Primary. The statutes do not provide any guidance for certification by the county clerk for a Special Primary.

**Tuesday, January 8, 2008**

Last day for citizens of the United States temporarily residing outside the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence on election day to make a simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot.

(10 ILCS 5/20-2.1, 20-3)

**Tuesday, January 8, 2008**

Last for registration or transfer of registration.

(10 ILCS 5/4-6, 4-16, 6-50.2)

**Wednesday, January 9, 2008**

First day for grace period registration or change of address in the office of the election authority or at a location designated for this purpose by the election authority.

(10 ILCS 5/4-50, 5-50, 6-100)

**Wednesday, January 9, 2008**

First day of grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.

(10 ILCS 5.4-50, 5-50, 6-100)

**Monday, January 14, 2008**

AT THE REQUEST OF THE ELECTION AUTHORITY first day for local election officials (qualified, municipal, township and road district clerks) to conduct in-person absentee voting.

(10 ILCS 5/19-2.1)

**Monday, January 14, 2008**

First day for early voting at the office of the election authority and locations designated by the election authority.

(10 ILCS 5/19A-15)

**Wednesday, January 16, 2008**

Last day to publish notice of the Special Primary Election.

(10 ILCS 5/12-1)



**Tuesday, January 22, 2008**

Deadline for the election authority to have pollwatcher credentials available for distribution.  
(10 ILCS 5/7-34)

**Tuesday, January 22, 2008**

Last day of grace period registration or change of address in the office of the election authority or location designated for this purpose by the election authority.  
(10 ILCS 5/4-50, 5-50, 6-100)

**Tuesday, January 22, 2008**

Last day of grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.  
(10 ILCS 5/4-50, 5-50, 6-100)

**Monday, January 28, 2008**

Last day for any voter who is a member of the United States Service and his spouse and dependents of voting age who expect to be absent from the county of residence on election day to make application (may make application via facsimile machine or other method of electronic transmission) for an official ballot to the election authority having jurisdiction over their precinct residence and the last day for the election authority to mail such ballots.  
(10 ILCS 5/20-2, 20-2.3, 20-3)

**Monday, January 28, 2008**

Last day for any nonresident civilian, otherwise qualified to vote, to make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing Federal office only, and the last day for election authority to mail such ballot.  
(10 ILCS 5/20-2.2, 20-5)

**Monday, January 28, 2008**

Last day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.  
(10 ILCS 5/20-2.1, 20-3, 20-4)

**Thursday, January 31, 2008**

First day that a qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center not more than five (5) days before an election shall be entitled to personal delivery of an absentee ballot by making application with the election authority.  
(10 ILCS 5/19-13)

**Thursday, January 31, 2008**

Last day for early voting at the office of the election authority and locations designated by the election authority.  
(10 ILCS 19A-15, 19A-20)

**Thursday, January 31, 2008**

Last day for the elector, presently within the confines of the United States, who expects to be absent from his county of residence on election day to make application for an absentee ballot and the last day for the election authority to mail such ballot.  
(10 ILCS 5/19-2)

**Thursday, January 31, 2008**

Last day for the election authority to publish the specimen ballot labels, as near as may be, in the form in which they will appear on the official ballot on Election Day.  
(10 ILCS 5/7-21; 24A-18, 24C-18)

**Thursday, January 31, 2008**

Last day (by noon) the election authority shall post the names and addresses of nursing home facilities from which no applications for absentee ballots have been received and in which no supervised voting will be conducted.

**Thursday, January 31, 2008**

Last day to conduct public test of automatic tabulating equipment and Automatic Optical Scan Equipment and DRE Voting Equipment.  
(10 ILCS 5/24A-9M 24B-9, 24C-9)

**Friday, February 1, 2008**

Last day for the election authority to have official ballots available for inspection by candidates or their agents  
(10 ILCS 5/16-5)

**Friday, February 1, 2008**

**Saturday, February 2, 2008**

**Sunday, February 3, 2008**

**Monday, February 4, 2008**

The election authority will determine on which date Nursing Home Voting will be conducted. No later than 9:00 am the election authority shall deliver official absentee ballots to the judges of election in the precinct where the facility pursuant to the Nursing Home Care Reform Act 1979, is located  
(10 ILCS 5/19-4, 5/19-12.2)

**Monday, February 4, 2008**

Last day for any registered voter presently within the confines of the United States, who expects to be absent from his county of residence on election day, to make application in person

to the election authority, or municipal, township or road district clerk who is authorized to conduct absentee voting.  
(10 ILCS 5/19-2)

**Monday, February 4, 2008**

Last day for any temporarily or permanently physically disabled voter to request at the election authority's office, that two (2) judges of election of opposite party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place.  
(10 ILCS 5/7-47.1(b))

**Monday, February 4, 2008**

Last day for election authority to deliver (prior to the opening of the polling place) to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.  
(10 ILCS 5/19-4)

**Tuesday, February 5, 2008**

**Special 14<sup>th</sup> Congressional District Primary Election**

**Thursday, February 7, 2008**

Registration opens in the office of the election authority and with all deputy registrars including all municipal, township and road district clerks who are authorized deputy registrars.  
(10 ILCS 5/4-6, 5-5, 6-50)

**Thursday, February 7, 2008**

Last day a provisional voter may submit additional information to the county clerk or board of election commissioners to verify or support his/her registration status. Material **must** be received by this date.  
(10 ILCS 5/18A-15d)

**Friday, February 8, 2008 (Tuesday, February 19, 2008)\*\***

Deadline for the county clerk or board to complete the validation and counting of provisional ballots.  
(10 ILCS 5/18A-15(a))

**Friday, February 8, 2008 (Tuesday, February 19, 2008)\*\***

Deadline for the County Clerk or board of election commissioners to accept and complete the tabulation of absentee ballots that were (1) Postmarked by midnight preceding the opening of the polls on Election Day, and (2) received after the close of the polls on the Election Day.  
(10 ILCS 5/19-8)

**Monday, February 11, 2008 (Tuesday, February 26, 2008)\*\***

Last day for canvassing of election results by proper canvassing board.  
(10 ILCS 5/18A-15(a))

**Monday, February 11, 2008 (Tuesday, February 26, 2008)\*\***

The last day the election authority shall transmit to the State Board of Elections the following: (1) the number, by precinct, of absentee ballots requested, provided and counted, (2) the number of rejected absentee ballots, and (3) the number of voters seeking review of rejected absentee ballots.

(10 ILCS 5/19-20, 20-20)

**Wednesday, February 13, 2008 (Friday, March 7, 2008)\*\***

Last day for the State Board of Elections to canvass the votes for the Special Election.  
(10 ILCS 5/18A-15a))

**\*\* indicates the statutory dates**

<p><b>Special 14<sup>th</sup> Congressional District General Election Calendar</b></p>
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**Tuesday, January 7, 2008**

Last day (by close of business) a person may file a notarized Declaration of Intent to be a Write-in Candidate with the appropriate election authorities.  
(10 ILCS 5/7-59B)

**Monday, January 28, 2008**

The election authority shall accept, solely for use in the subsequent and not in any intervening election, registrations and transfers of registration within the period from the 27<sup>th</sup> to the 38<sup>th</sup> days, both inclusive, prior to such subsequent election (10 ILCS 5/4-6).

**[Thursday, February 7, 2008      Voter registration opens in the office of the election authority and with all deputy registrars including all municipal, township and road district clerks who are authorized deputy registrars -(All jurisdictions not within the 14<sup>th</sup> Congressional)**  
**(10 ILCS 5/4-6, 5-5, 6-50)]**

**Friday, February 8, 2008**

Last day for citizens of the United States temporarily residing outside the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence on election day to make a simultaneous application to the election authority having jurisdiction over their precinct of residence for absentee registration and an absentee ballot.  
(10 ILCS 5/20-2.1, 20-3)

**Monday, February 11, 2008**

Last day for established political parties to fill a vacancy in nomination.

(10 ILCS 5/7-1)

**Monday, February 11, 2008**

Last day for registration or transfer of registration.  
(10 ILCS 5/4-6, 4-16, 6-50.2)

**Tuesday, February 12, 2008**

First day for grace period registration or change of address in the office of the election authority or at a location designated for this purpose by the election authority.  
(10 ILCS 5/4-50, 5-50, 6-100)

**Wednesday, February 13, 2008**

Last day for the State Board of Elections to canvass the results of the Special Primary Election.  
(10 ILCS 5/7-60, 7-61).

**Thursday, February 14, 2008**

The date for mailing all Special Write-In Absentee Voter's Blank Ballots to UOCAVA Voters, in accordance with the procedures herein.

**Friday, February 22 (Tuesday, February 12, 2008)\*\***

First day of grace period voting at the election authority's office, or location designated by the election authority, or my mail, at the discretion of the election authority.  
(10 ILCS 5.4-50, 5-50, 6-100)

**Friday, February 22 (Tuesday, February 12, 2008)\*\***

AT THE REQUEST OF THE ELECTION AUTHORITY first day for local election officials (qualified, municipal, township and road district clerks) to conduct in-person absentee voting.  
(10 ILCS 5/19-2.1)

**Friday, February 22 (Friday, February 15, 2008)\*\***

First day for early voting at the office of the election authority and locations designated by the election authority.  
(10 ILCS 5/19A-15)

**Saturday, February 23, 2008**

Deadline for the election authority to have pollwatcher credentials available for distribution.  
(10 ILCS 5/7-34)

**Saturday, February 23, 2008**

Last day of grace period registration or change of address in the office of the election authority or location designated for this purpose by the election authority.  
(10ILCS 5/4-50, 5-50, 6-100)

**Monday, February 25, 2008**

Last day of grace period voting at the election authority's office, or location designated by the election authority, or by mail, at the discretion of the election authority.  
(10 ILCS 5/1-6).

**Thursday, February 27, 2008**

Last day for any voter who is a member of the United States Service and his spouse and dependents of voting age who expect to be absent from the county of residence on election day to make application (may make application via facsimile machine or other method of electronic transmission) for an official ballot to the election authority having jurisdiction over their precinct residence and the last day for the election authority to mail such ballots.  
(10 ILCS 5/20-2, 20-2.3, 20-3)

**Thursday, February 27, 2008**

Last day for any nonresident civilian, otherwise qualified to vote, to make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing Federal office only, and the last day for election authority to mail such ballot.  
(10 ILCS 5/20-2.2, 20-5)

**Thursday, February 27, 2008**

Last day for the election authority to send an official ballot for Federal offices only, upon receipt of either an application for absentee registration or an application for absentee ballot, to citizens of the United States who are temporarily residing outside the territorial limits of the United States.  
(10 ILCS 5/20-2.1, 20-3, 20-4)

**Monday, March 3, 2008**

First day that a qualified voter who has been admitted to a hospital, nursing home, or rehabilitation center not more than five (5) days before an election shall be entitled to personal delivery of an absentee ballot by making application with the election authority.  
(10 ILCS 5/19-13)

**Monday, March 3, 2008**

Last day for early voting at the office of the election authority and locations designated by the election authority.  
(10 ILCS 19A-15, 19A-20)

**Monday, March 3, 2008**

Last day for the election authority to receive application by mail from any registered voter presently within the confines of the United States, who expects to be absent from his county of residence on election day and the last day for the election authority to mail such ballot. (10 ILCS 5/19-2)

**Monday, March 3, 2008**

Last day for the election authority to publish the specimen ballot labels, as near as may be, in the form in which they will appear on the official ballot on Election Day. (10 ILCS 5/7-21: 24A-18, 24C-18)

**Monday, March 3, 2008**

Last day (by noon) the election authority shall post the names and addresses of nursing home facilities from which no applications for absentee ballots have been received and in which no supervised voting will be conducted.

**Monday, March 3, 2008**

Last day to conduct public test of automatic tabulating equipment and Automatic Optical Scan Equipment and DRE Voting Equipment. (10 ILCS 5/24A-9M 24B-9, 24C-9)

**Wednesday, March 5, 2008**

Last day for the election authority to have official ballots available for inspection by candidates or their agents. (10 ILCS 5/16-5)

**Tuesday, March 4, 2008**

**Wednesday, March 5, 2008**

**Thursday, March 6, 2008**

**Friday, March 7, 2008**

The election authority will determine on which date Nursing Home Voting will be conducted. No later than 9:00 am the election authority shall deliver official absentee ballots to the judges of election in the precinct where the facility pursuant to the Nursing Home Care Reform Act 1979, is located. (10 ILCS 5/19-4, 19/-12.2)

**Friday, March 7, 2008**

Last day for any registered voter presently with in the confines of the United States, who expects to be absent from his county of residence on election day, to make application in person to the election authority, or municipal, township or road district clerk who is authorized to conduct absentee voting. (10 ILCS 5/19-2)

**Friday, March 7, 2008**

Last day for any temporarily or permanently physically disabled voter to request at the election authority's office, that two (2) judges of election of opposite party affiliation deliver a ballot to him/her at the point where he/she is unable to continue forward motion toward the polling place.

[10 ILCS 5/7-47.1(b)]

**Friday, March 7, 2008**

Last day for election authority to deliver (prior to the opening the polling place) to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

(10 ILCS 5/19-4)

**Saturday, March 8, 2008**

**Special 14<sup>th</sup> Congressional District General Election**

**Monday, March 10, 2008**

Registration opens in the office of the election authority and with all deputy registrars including all municipal, township and road district clerks who are authorized deputy registrars.

(10 ILCS 5/4-6, 5-5, 6-50)

**March 10, 2008**

Last day for a provisional voter to provide information to the election authority to qualify the ballot for inclusion in the tabulation.

**Saturday, March 29, 2008 (*Saturday, March 22, 2008*)\*\***

Deadline for the county clerk or board to complete the validation and counting of provisional ballots.

[10 ILCS 5/18A-15(a)]

**Saturday, March 29, 2008 (*Saturday, March 22, 2008*)\*\***

Deadline for the County Clerk or board of election commissioners to complete the tabulation of absentee ballots that were (1) Postmarked by midnight preceding the opening of the polls on Election Day, and (2) received after the close of the polls on the Election Day but not later than 14 days after the election.

(10 ILCS 5/19-8)

**Saturday, April 5, 2008 (*Saturday, March 29, 2008*)\*\***

Last day for canvassing of election results by proper canvassing board.

[10 ILCS 5/18A-15(a)]

**Saturday, April 5, 2008 (*Saturday, March 29, 2008*)\*\***

The last day the election authority shall transmit to the State Board of Elections the following: (1) the number, by precinct, of absentee ballots requested, provided and counted, (2)



the number of rejected absentee ballots, and (3) the number of voters seeking review of rejected absentee ballots.

(10 ILCS 5/19-20, 20-20)

**Saturday, April 12, 2008 (*April 8, 2008*).<sup>\*\*</sup>**

Last day for the State Board of Elections to canvass the votes for the Special Election.  
[10 ILCS 5/18A-15a)]

**<sup>\*\*</sup> indicates the statutory dates**

2. The local election authorities shall ensure that the Special Write-In Absentee Voter's Blank Ballots for the March 8, 2008 Special General Election are mailed to all eligible UOCAVA voters on February 14, 2008, following the final canvass by the State Board of Elections on February 13, 2008. The State Board of Elections will take all reasonable steps necessary to assist the local election authorities in the performance of said duties, to the extent possible. The names of the candidates certified by the State Board of Elections shall be included with the ballots, along with information concerning the deadline for returning the ballot and other applicable procedures for casting a write-in ballot.

3. The local election authorities shall provide notice to affected UOCAVA voters and the State Board of Elections will take all reasonable steps necessary to assist the local election authorities in the performance of said duties, to the extent possible, of the following information:

- a. The change in the deadline by which absentee ballots from UOCAVA voters will be counted for the February 5, 2008 Special Primary Election, and that such ballots will be counted as long as they are postmarked by February 4, 2008, and received by the election authority no later than February 8, 2008.

Notification of this change shall be provided pursuant to the notice procedures set out in paragraph 4 below.

- b. Procedures for the use of the Special Write-In Absentee Voter's Blank Ballot for the March 8, 2008 Special General Election, including instructions explaining that ballots will be accepted as long as they are postmarked by March 7, 2008 and received by the election authority no later than March 29, 2008. The instructions shall include the names of the candidates certified for the March 8 general election. In the event that the candidate information is not available by February 14, 2008 to be included with the mailings to UOCAVA voters, or the State Board of Elections advises of an anticipated contest or recount that may delay final certification, the information provided to voters with the ballots shall identify avenues by which voters can learn the final outcome of the election, including websites and telephone numbers for the State and local election authorities and FVAP's toll-free telephone number.

The election authorities shall appoint a liaison who shall coordinate with the State Board of Elections designated liaison for the purpose of discharging their respective duties and responsibilities set forth herein.

4. The local election authorities, in coordination with the State Board of Elections shall take the following steps to give affected voters notice of the contents of this Order:

- a. Notify the Director of the Federal Voting Assistance Program ("FVAP") of the United States Department of Defense as soon as this Order has been entered, and request that the FVAP take such action as is necessary to notify

the eligible voters of the relief afforded in this Order for the Special Primary and Special General Elections. The local election authorities, in cooperation with the State Board of Elections, shall assist the FVAP in whatever way may be reasonably necessary to aid that agency in publicizing the relief as it pertains to UOCAVA voters.

- b. The local election authorities, in cooperation with the State Board of Elections shall devise a notice, for immediate release, describing this Order and the relief afforded to UOCAVA voters. The notice shall be immediately posted on the web sites of each elections authority in the 14<sup>th</sup> Congressional District and the State Board of Elections, and distributed as broadly and immediately as practicable. In particular, the notice shall be distributed to (1) media outlets likely to reach members of the military and voters residing overseas, including but not limited to the U.S. Armed Forces Network, International Herald Tribune, USA Today, Stars & Stripes, and the Army, Navy, Air Force and Marine Times; and (2) media outlets of general circulation within Illinois' 14<sup>th</sup> Congressional District.

The election authorities shall appoint a liaison who shall coordinate with the State Board of Elections designated liaison for the purpose of discharging their respective duties and responsibilities set forth herein.

5. The Special Write-in Absentee Voter's Blank Ballot procedure in Section 16-5.01 (b) of the Illinois Election Code, 10 ILCS 16-5.01(b), as implemented by the terms of this agreement, is consistent with the requirements of UOCAVA.

6. The use of the Special Write-In Absentee Voter's Blank Ballot by Plaintiffs in the February 5, 2008, Special Primary Election, as implemented by the terms of this agreement, is consistent with the requirements of UOCAVA and is proper and necessary.

7. The use of the Special Write-In Absentee Voter's Blank Ballot by Plaintiffs in the March 8, 2008, Special General Election for absentee voting, as implemented by the terms of this agreement, is consistent with the requirements of UOCAVA, and is proper and necessary.

8. With entry of this Order, this matter is hereby dismissed, with all parties to bear their own costs and fees.

ENTERED: 1/18/08

A handwritten signature in cursive script, likely of a judge, written over a horizontal line.

Dated: January 18, 2008